SUPREME COURT, U. S.

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# In the Supreme Court of the United States

OCTOBER TERM, 1968

No. [redacted] 91

SERBIAN ORTHODOX CHURCH CONGREGATION OF ST. DEMETRIUS OF AKRON,

*Petitioner,*

v.

VLADISLAV KELEMEN, *et al.*,

*Respondents.*

## BRIEF OPPOSING PETITION FOR WRIT OF CERTIORARI

**To the Supreme Court of the State of Ohio.**

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# In the Supreme Court of the United States

**OCTOBER TERM, 1967.**

**No. 1427.**

SERBIAN ORTHODOX CHURCH CONGREGATION OF ST. DEMETRIUS OF AKRON,

*Petitioner,*

v.

VLADISLAV KELEMEN, *et al.*,

*Respondents.*

## BRIEF OPPOSING PETITION FOR WRIT OF CERTIORARI To the Supreme Court of the State of Ohio.

### JURISDICTION.

1. Petitioner has failed to show that it seasonably raised a Constitutional question in the State courts. Petitioner in its endeavor to create a federal question, uniquely claims the reason a federal question is presented is because Petitioner's right to worship was denied and then claims the Constitutional issue first presented itself as a result of the Court of Appeals concluding the Diocese was erroneously divided. Obviously, the division of the Diocese is not related in any manner to the denial of the Petitioner from using the premises of St. Demetrius. The division of the Diocese is purely an administrative matter which, on the basis of the Court of Appeals decision, can be rectified

by the Holy Bishops Assembly following a different procedure. The division has no effect with respect to worship under the Mother Church. Division of the Diocese offers no excuse for Petitioner's loyalty to a defrocked bishop.

(A) Ohio requires that the Constitutional question be presented and urged in the lower court. As stated by the Supreme Court of Ohio in *State ex rel. King vs. Shannon,* 170 Ohio State 393, 165 N. E. 2d 642 (1960) App. Dis. 364:

> "It is an established rule of long standing in this State that a Constitutional question either in a civil or criminal action cannot be raised in the Supreme Court, unless it was presented and urged in the Courts below."

If a Constitutional question was here involved, which we believe not to be the case, the time to first have raised it would have been in the Court of Appeals since the trial court, by its decision, denied Petitioner the right to continue its use of the church premises for the practice of a schismatic religion. No Constitutional question was raised by Petitioner in the Court of Appeals. Thus, the requirement in Ohio that the Constitutional question be presented in the lower courts was not met.

(B) In order to invoke this Court's jurisdiction under 28 U. S. C., Par. 1257 (3), the federal question must be seasonably raised in the State courts. This Court decided in *Edelman vs. California,* 344 U. S. 357, 358 (1953):

> "It is clear that this Court is without power to decide whether constitutional rights have been violated when the federal questions are not seasonably raised in accordance with the requirements of State law."

Petitioner having failed to present the Constitutional question in the lower courts, as required by Ohio law,

there is no basis upon which the Court can exercise jurisdiction under 28 U. S. C., Par. 1257 (3). Since no Constitutional question was presented in the initial trial of this case and none brought up in the Court of Appeals, it is obvious that Petitioner's claim of a Constitutional question is now being made in an attempt to present a non-existent federal issue. For the reasons above, the Petition for Writ of Certiorari should be dismissed.

## QUESTION PRESENTED.

### Question as Presented by Petitioner Is Not the Issue in This Cause.

The question as presented by Petitioner tends to confuse and divert attention from the real and basic question which is the crux of this law suit. It was never necessary that any ecclesiastical or civil court make a determination that Petitioner and its followers were schismatic. They themselves did that by their declarations and conduct which constituted an open disavowance of the tenets, dogmas, rules and customs of the Serbian Orthodox Church. The question presented by the fact situation and the only question before the courts below and before this Court now is as follows:

> When a faction of an hierarchical church openly disavows the faith of such church, which disavowance is adjudged by the highest ecclesiastical tribunal to be schism, can the schismatics use church property held in trust in contravention of the purposes for which the trust was created?

## STATEMENT OF THE CASE.

The statement of the case, as set forth in Petitioner's Brief, lacks sufficient background to portray the situation in Akron as it existed here before and after trial. For this reason Respondents offer the following additional facts.

St. Demetrius Church of Akron, Ohio was organized in 1919 by a small group of immigrants of Yugoslavian extraction, who wished to worship as they had in the old country under the rules, tenets, customs and dogmas of their Mother Church, the Serbian Orthodox Church. The Serbian Orthodox Church is episcopal and hierarchical in structure and the people in Akron affiliated themselves with and considered themselves a part of this greater church body, recognizing the Patriarch in Belgrade, Yugoslavia as their spiritual head, as the Pope is to the Roman Catholic parishioner.

On June 21st, 1919, the church in Akron formed a religious, non-profit corporation (see Appendix, page 13, Excerpt re Mutual Exhibit A), the purpose clause of which clearly set forth that the real estate was held in trust to be used for the purpose of fostering and practicing the religious doctrines of the Serbian Orthodox Church.

At or about the years 1920 or 1921, because of the great number of people who had migrated to this country and wished to worship under the hierarchical church, a Diocese was formed by the Holy Bishops Assembly of the Serbian Orthodox Church, to be known as the Serbian Orthodox Diocese of North America and Canada, and St. Demetrius of Akron, Ohio took its place as a church-school congregation in this Diocese. The original Bishop was one Mardary, who was subsequently succeeded by Bishop Dionisije in 1939. Dionisije, like his predecessor,

Mardary, was appointed by the only duly constituted body for this appointment, the Holy Bishops Assembly in Belgrade, Yugoslavia.

During the 1950's, Bishop Dionisije began to engage in personal activities not compatible with priestly conduct and at the same time began to criticize and rebel against church hierarchy. As a ground for his rebellion, he urged that the Patriarch, the Holy Bishops Assembly and the Holy Synod, the governing bodies of the Serbian Orthodox Church, were unable to conduct their religious affairs with the necessary freedom because of Communistic control. These actions by Bishop Dionisije gradually and increasingly divided the members of the various church-school congregations within the Diocese of American churches. Some followers endorsing Dionisije stayed, while others, recognizing that he was diverting from the mainstream of the Serbian Orthodox Church, refused to follow him and adhered to the Mother Church. This became apparent in approximately the year 1958 and resulted in a clear schism thereafter. By reason of Dionisije's transgressions, he was investigated, charged, tried, found guilty and ordered defrocked by the Holy Bishops Assembly. Concurrently therewith, this highest ecclesiastical judicial body determined the followers of Dionisije were in schism. (See Appendix, pages 13-16, Excerpt re Defendant's Exhibit DDD.) A successor Bishop was appointed in his stead, this action again being taken by the proper authorities, the Holy Bishops Assembly, the same body who had created his bishopric. At the same time and because of the increased number of parishes in the United States and Canada, for practical reasons the Assembly divided the one Diocese into three, with each Diocese having a Bishop at its head as is proper in an episcopal church.

It was at this time that the Dionisije faction openly disavowed the church hierachry and those people following him in the Akron church issued a resolution stating their position. (See Appendix, pages 18-21, Plaintiff's Exhibit 23B.)

Prior to this time the Dionisije faction, by elections and various pressure tactics, had forced those adhering to the Mother Church from the church premises and wrested control of the property of St. Demetrius.

The foregoing is the background which precipitated this law suit. It was initiated by a petition filed by the dissident faction (Petitioner herein), seeking injunctive relief to prohibit the adherent faction (Respondents herein), from using the name "St. Demetrius." The adherents had continued to practice their faith in rented quarters and under the name of "St. Demetrius." To this petition a cross-petition by Respondents was filed, seeking return of the property to the rightful congregation. The singular issue presented in this case was one of identity and was stated as follows:

> "Who constituted the true church and who was therefore entitled to the use of the church property?"

The lower court found, as did the Court of Appeals, in a Trial De Novo, in accordance with the established law, as set forth in *Watson vs. Jones,* 80 U. S. (13 Wall.) 679 (1871); that those adhering to the rules, tenets and doctrines of the Serbian Orthodox Church were the parties entitled to the premises. An appeal was filed in the Supreme Court of Ohio which resulted in that Court refusing to review the decision of the Court of Appeals and thus affirming that decision.

## ARGUMENT.

### Reasons For Denial of the Writ.

As set forth in the Statement of the Case, the corporate charter provision unequivocally states the purposes for which the church premises are to be used. Civil courts have and must necessarily be invested with authority to enforce such a trust as exists in this case, the same as Courts would enforce any other civil or property right. Otherwise, there would be no redress which could be afforded to prevent the diverting of trust property to an improper use.

The orders of the lower court do not transgress upon any rights of the Petitioner and do not deny the Petitioner the right to worship any religion which they may desire. The pronouncements of the courts below did nothing more than deny to those who disavowed their faith the right to use the church premises which were unalterably designated for the practice of the faith of the Serbian Orthodox Church. While Petitioner now argues that the Courts have no right to arbitrate the question in this case as to which faction is entitled to the church property, it is paramount to note that they initiated the litigation of this question by seeking an injunction to stop Respondents' use of the church name. The adherents, some of whom had been a part of this church since their birth, and who had been forced from their church by the Petitioner were now being sued in an effort to restrain them from using the name St. Demetrius.. It is ludicrous and ironic that the Petitioners now find themselves talking from the other side of their respective mouths in contending that Courts have no right to intervene in church matters. They espouse the theory that while a Court has a right to prohibit the use of so nebulous a thing as a name, these

same Courts have no right to determine that property dedicated in trust by a corporate document can be enforced in a Court of law in these United States. It is blatantly apparent that the reason they now say the Courts have no such right is because the Court ruled against their interest.

The Petitioner, in pursuance of its disavowance, joined forces with and continues today to worship under a defrocked Bishop, defrocked by a decision of the Holy Bishops Assembly, the highest legislative and judicial body of the church having power to discipline, punish, create and appoint Bishops as provided for in the Constitution of the Mother Church.

Another reason Petitioner's claim of religious persecution fails is that the doors of St. Demetrius of Akron will always be open to Petitioner and its followers who are willing to conform to and worship under the religious beliefs and concepts of the Serbian Orthodox Church. A perusal of the Journal Entry of the Court of Appeals, specifically Paragraph 9 (See Petitioner's Brief, Appendix A, page 66), shows clearly that the Petitioner and its followers are extended the right to continue worshipping in St. Demetrius providing they comply with and meet the requirements of the by-laws and the appropriate constitutional provisions.

The Court of Appeals, therefore, did not, as claimed by the Petitioner, select one group for "preferred" treatment. Petitioner's group made their own selection when they attempted to become an independent church and thereby became schismatic. The record is replete with evidence substantiating and declaring the misconduct of the Petitioner. By way of illustration, which we believe analogous to our situation, if a Catholic priest decided to disavow the Papal authority but continued to conduct

non-conformist religious services in a Catholic church, can there be any doubt that a Court would properly intervene to restrain such use of the church property? The only answer is an unqualified "Yes," and similarly in our case, there is no doubt that the Court properly intervened to determine a civil property right.

Mention is made by Petitioner of the various cases throughout the country, involving issues similar to those in the instant case. These cases have arisen, as did ours, because the schismatics either did or attempted to take over the church property for their own religious purposes. It is interesting to observe that in all of these cases, with the exception of the Cleveland case which was not brought to Court as a question of a property right but upon the issue of elections, by-laws and assessments, and the Illinois case, in which the Diocese was directly involved, those loyal to the true Serbian Orthodox Church have prevailed in either continuing to hold the property or having it returned from the schismatic groups. We cite below the law we believe applicable and which is not in need of any revision since the principles therein established are sound and have been consistently followed by the Courts in this country.

With regard to the cases cited by Petitioner, specifically the *Sims* and *Everson* cases, we do not believe they are applicable to the fact situation involved here and hasten to urge the Court to examine Defendant's Exhibit DDD, heretofore cited, and printed in the Appendix.

The landmark case involving church controversies of the nature here involved is *Watson vs. Jones, supra,* in which on page 726 the Court says, stating the rule applicable to hierarchical churches, in part:

> "The case before us is one of this class, growing out of a schism which has divided the congregation and

its officers, and the presbytery and synod, and which appeals to the courts to determine the right to the use of the property so acquired. Here is no case of property devoted forever by the instrument which conveyed it, or by any specific declaration of its owner, to the support of any special religious dogmas, or any peculiar form of worship, but of property purchased for the use of a religious congregation, and so long as any existing religious congregation can be ascertained to be that congregation, or its regular and legitimate successor, it is entitled to the use of the property. In the case of an independent congregation we have pointed out how this identity, or succession, is to be ascertained, but in cases of this character we are bound to look at the fact that the local congregation is itself but a member of a much larger and more important religious organization, and is under its government and control, and is bound by its orders and judgments."

In the *Watson* case, *supra,* there was no corporate purpose clause specifically setting forth the trust that we have here involved and this makes our case even stronger. Ohio Courts have followed this principle and we would call the Court's attention to the language in *Bakos, et al. vs. Takach, et al.,* 14 O. App. 371; 32 O.C.A. 569 (1921), in which the theory of the *Watson* case was adopted, the Court there saying:

"If there is a trust confided to a religious corporation, even though it be of the independent or congregational form of government, it is not within the power of the majority of that congregation, however preponderate, by reason of a change of view on religious subjects to carry the property so confided to them in trust to the support of a different doctrine. To justify the application of this rule of law the trust and the abuse of it should be clearly established. We think that this has been done in this case. This property was clearly

held in trust for the purpose of religious worship and teaching; the form of worship and the doctrine intended cannot be discovered from the deed, and in that event we must look to the usage of the congregation and the nature of the original institution as a guide for the decision of the court between rival factions."

Ohio law conforms to the principles above stated and the courts of Ohio have uniformly held that while legal title of church property is in the trustees of a corporation, the use of property is controlled by the usage, customs and discipline of the church in general. It is further pertinent to note that the law is clear with regard to a Court's right to intervene in eccelsiastical matters to the extent of determining property rights. The rule is well stated in 76 *Corpus Juris Secundum,* p. 876, Section 86, as follows:

"Civil Courts adjudicate ecclesiastical matters only when civil or property rights are involved and then only when their determination is necessary and incident to the adjudication of civil or property rights, and will go no further in considering ecclesiastical matters than is necessary for determination of the case before it."

## CONCLUSION.

Respondents believe that this Court should not take jurisdiction of this case for the following reasons:

1. The federal question was not seasonably raised.

2. Rights of Petitioner under the First and Fourteenth Amendments have not been abridged for the reason that no person has been denied a right to worship and therefore no constitutional rights denied.

3. The Petition here filed does not present any public, constitutional or important question, nor any question

which has not already been determined by this Court. This case merely concerns the right to use the church property of St. Demetrius of Akron, Ohio and is limited to a controversy between two groups of Akron church people whose rights have already been properly, legally and equitably determined by all the Courts of Ohio.

Respectfully submitted,

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FREDERICK H. GILLEN,
DON R. MILLER,
*Attorneys for Respondents.*

# APPENDIX.

## EXCERPT FROM MUTUAL EXHIBIT "A" (CORPORATE CHARTER).

"Said corporation is formed for the purpose of providing a place of worship for its members and conducting the same under suitable religious leadership according to the rules, regulations and customs of the Servian Orthodox Church; for promoting the cause of the Christian religion; for receiving, holding and disbersing gifts, bequests and funds from any source; for owning and maintaining suitable real estate and erecting and maintaining thereon suitable buildings, and also for maintaining a cemetery and for doing any and all things incident to the above."

## EXCERPT FROM DEFENDANT'S EXHIBIT 3D (JUDGMENT).

"Of the Holy Episcopal Council of the Serbian Orthodox Church, Within Whose Jurisdiction It Is to Judge the Offenses of

Bishop Dionisije Milivojevich, Who Is Indicted by Vasilije, Bishop of Zica, in His Official Capacity as the Prosecutor of the Serbian Orthodox Church

The Following Sat in Judgement:

German, Serbian Patriarch, Presiding

### I

The prosecutor of the Serbian Orthodox Church, with his indictment of October 16th, 1963, together with a supplement to the indictment of March 5th, 1964, in-

dicted Bishop Dionisije Milivojevich for the following ecclesiastical-canonical transgressions:

For breaking his episcopal oath and for refusing to submit to the decisions of highest Church authorities—the Holy Episcopal Council and Synod of the Serbian Orthodox Church;

For his refusal to participate orally and directly in an investigation before the Investigating Committee of the Holy Episcopal Synod, concerning the charges submitted against him;

For officiating in Church ceremonies and for performing the duties of diocesan bishop after having been indicted and suspended from the performance of Church ceremonies, and relieved of the duties of diocesan bishop;

For accepting clerics who had no canonical release, as well as persons who were under suspension from the performance of Church ceremonies, and for entrusting them with parochial duties;

For committing wrong-doings of a material nature and for conducting himself in a manner unbecoming priestly rank and position;

For ordaining and bestowing ecclesiastical ranks of honor on such persons who, according to the canons do not possess the necessary qualifications for ordination; and

For proclaiming the Serbian Orthodox Diocese of America and Canada fully autonomous and separating it from the mother, Serbian Orthodox Church, at the so-called "Church National Assembly," held November 13th and 14th, 1963.

For these offenses, the prosecutor, for the Serbian Orthodox Church asked that Bishop Dionisije Milivojevich be divested of both his episcopal and monastic ranks." * * *

ADJUDGES

"Bishop Dionisije Milivojevich of Libertyville, U. S. A., born on July 13/26 at Rabrovac, near Palanka of Smederevo, Yugoslavia; elected bishop on June 9/22, 1938; consecrated August 8/21, 1938; appointed by the decree of the Holy Episcopal Council of the Serbian Orthodox Church, EC No. 218/Min. 81 of December 8th, 1939, as the Bishop of the Serbian Orthodox Diocese of America and Canada, with no previous conviction, be punished by *divestiture of his episcopal and monastic ranks* (Article 216, Points 8 and 10 of the Constitution of the Serbian Orthodox Church), and be removed from the roll of the hierarchy of the Serbian Orthodox Church, and be returned to the status of layman, under his secular name, Dragoljub Milivojevich, in consequence of his committed offenses:

*a. Conduct unbecoming to the clerical rank and position,* (42 Apostolic Canon; Constitution of the Serbian Orthodox Church, Article 214, Point 2; Regulations and Procedures for the Ecclesiastical Courts of the Serbian Orthodox Church (Criminal Code), Articles 22, 25 and 29).

*b. Non-performance, that is to say, negligent performance of official priestly duties and legal ordinances of the superior ecclesiastical authorities, discussion and criticism of their orders and procedures,*

(Apostolic Canon 74; Constitution of the Serbian Orthodox Church, Article 214, Points 3 and 6, and Regulations and Procedures for the Ecclesiastical Court of the Serbian Orthodox Church (Criminal Code), Article 30, Points 9, 32, and 38).

and

*c. Against the established order of the Church and for schism.*

(Apostolic Canons 25, 34, 35, and 74; Council of Trulo, 17; Constitution of the Serbian Orthodox Church, Article 214, Point 1; Regulations and Procedures for the Ecclesiastical Court of the Serbian Orthodox Church (Criminal Code), Articles 10, 15, 17, 18, and 45)."

**EXCERPT FROM DEFENDANT'S EXHIBIT 3D (LETTER).**

THE HOLY EPISCOPAL SYNOD
OF THE SERBIAN ORTHODOX CHURCH
#897/Minutes 85
March 13, 1964
Belgrade

HIS GRACE, BISHOP OF EASTERN AMERICA AND CANADA, STEFAN CLAIRTON

YOUR GRACE,

The Holy Episcopal Council at its meeting of the 5th of March of this year considered the reports and decisions of the so-called "Church National Council" held in Libertyville, U.S.A. from the 12th to the 14th of November, 1963, and has brought forth this decision in regard to the same:

I. The Holy Episcopal Council constitutes that the so-called "Church National Council" held from the 12th to the 14th of November, 1963, in Libertyville, U.S.A. is *illegal* since Bishop Dionisije Milivojevich took part and presided in it, contrary to Articles 16 and 22 of the Constition of the Serbian Orthodox Diocese in the United States

of America and Canada; since he was suspended, by a legally valid decision of the Holy Episcopal Council (E. D. #42, Minutes 2 of July 27, 1963) on the basis of Articles III and 104, Section A and G of the Constitution of the Serbian Orthodox Church, from the duties of diocesan bishop.

II. The Holy Episcopal Council declares that the so-called "election" as "assistant bishop" of Archimandrite Irinej Kovacevich, fulfilled at that gathering is *uncanonical, unconstitutional,* and *null and void* since the first Apostolic Canon and the Fourth Canon of the First Ecumenical Council require that a bishop be chosen by a council of bishops; Article 105 of the Constitution of the Serbian Orthodox Church requires that *"diocesan and vicar bishops are chosen by the Holy Episcopal Council under the presidency of the Patriarch"* and Article 9 of the Constitution of the Serbian Orthodox Diocese in the United States of America and Canada provides that *"the bishop in the United States of America and Canada is appointed by the Holy Episcopal Assembly of the Serbian Orthodox Church."*

III. In the same way the Holy Episcopal Council declares that the so-called "consecration" of Archimandrite Irinej Kovacevich as Bishop which was fulfilled December 7, 1963, in Libertyville by a twosome, self-proclaimed, but unrecognized by the Orthodox Churches, of Ukrainian "bishops" as *null and void.* Null and void are all clerical functions fulfilled by the above named in this respect.

It is given over to the duty of the jurisdictional bishop to initiate judicial procedure against Archimandrite Irinej Kovacevich.

IV. With the decision of the Libertyville gathering of November, 1963, to break away from the Mother

Church and with this uncanonical "consecration" which was fulfilled by men with whom Bishop Dionisije did not allow Serbian clerics to even serve with; for the first time in history has a group of Serbian sons formed a *schismatic organization* (emphasis ours), inflicting a grievous wound to the body of martyred Orthodoxy, of St. Sava and fell away from the One, Holy, Universal and Apostolic Church.

In accordance with the decision of the Holy Episcopal Council of the above number and date, this decision is transmitted to you so that you notify your clergy and faithful of the same in your entrusted diocese, as well as all the Orthodox Bishops.

The Brother of Your Grace in Christ.

For the President of the
Holy Episcopal Synod
Bishop of Timok (member)
EMILIAN

**PLAINTIFF'S EXHIBIT 23 B (RESOLUTION).**

RESOLUTIONS

Of the St. Demetrius Church congregation in Akron, Ohio.

The membership of the St. Demetrius Church Congregation in Akron, Ohio in the United States of America, assembled at the Special Assembly held July 7, 1963 and considering the serious events taking place in the life of the Serbian Church in Akron and in America, approves the following

RESOLUTIONS

1. The membership considers that the Church—cononical ties between Serbian Orthodox Church in America and Canada and the Serbian pahriarchate in Belgrade shall and must be maintained in order to secure dogmatic and canonical unity and to maintain, for the future the only, indivisable and autocephalous Serbian Orthodox Church (Article 1 of the Constitution of the Serbian Church).

2. The membership furthermore believes that, in the spirit of Article 13 of the Constitution of the Serbian Orthodox Church and of the Article 3 of the Constitution of the Serbian Orthodox Diocese for the United States of America and Canada, The Serbian Orthodox Diocese in America and Canada must enjoy full administrative freedom in the future, in order to be able to govern its affairs independently and by itself.

3. The membership considers that, the polotical structural of Yugoslavia with the Communistic system of Josip Broz-Teto make impossible free and independent work of the Serbian Church in that country and forces all Church ecclisiastical and administrative authority to an unconditional submissiveness and to unvolentary cooperation with the godless Communism.

4. In connection with this the membership believes that the last decisions of the Holy Synod and the Holy Assembly of the bishops relative to the division of the Serbian Orthodox Diocese in America and Canada and to the suspension of the Bishop Dionisija of Politicaly inspired. This seems to be more evident because of the fact that the decision relative to the division of the Diocese was decreed at the same time when the head of the Serbian Church in America, His Grace Bishop Dionisija was

legally deprived any opportunity to represent the Seriban people in America and Canada who he represents for the past 23 years.

5. The political background of these decisions from Belgrade were specifically emphasised by the factor that the Very Rev. Stevan Lastavica was selected to be a new Bishop; a man totally completely unknown to the Serbian people in America and Canada; a man with no merit for the Serbian Church in this great lands and a man whose past does not allow such high up ranking.

6. In a clear difference of opinion and in many groupings which took place after this important decision of our Holy Fathers from Belgrade were taken our membership foresees a very serious danger for our Holy Church in America and Canada and is afraid that the final resolves of these unjustified decisions may be very unpleasant for the future life and work of our church. In regard to this we hereby issue an appeal to all reasonable Serbs, both priest and laymen, to always consider our example in Akron and to gain wisdom from our experience.

7. Finally, the membership considers that the case of his Grace Bishop Dionisija should and must be considered the way he, Bishop Dionisija, has publically proposed.

The way by which his case was annqunced in the American community clearly demonstrates the political background of that decision and, judged by our ideal of freedom, represents a political liquidation equally a political crime.

As long as the case of His Grace Bishop Dionisija is not justly resolved the membership of the Church School congregation of the St. Demetrius Church in Akron consider, in regard to Article 5 of the constitution of the Ser-

bian Orthodox Diocese of the United States of America and Canada the Diocesan counsel (Plenum) as the only legal authority and declare itself hereby to accept and carry out the decision of that counsel.

July 7, 1963
President
Albert Davis

In Akron, Ohio USA
Secretary
Vlajko Jovic